

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:17-cv-204-FDW

TIMOTHY UZZELL,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU MURRAY, et al.,)	
)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on periodic status review.

Pro se Plaintiff Timothy Uzzell, a North Carolina inmate incarcerated at Alexander Correctional Institution in Taylorsville, North Carolina, filed this action on November 6, 2017, pursuant to 42 U.S.C. § 1983. Plaintiff has named the following four Defendants, all identified as correctional officers at Alexander at all relevant times: (1) FNU Murray; (2) FNU Nichols; (3) FNU Daves; and (4) FNU Blanton. Plaintiff alleges that Defendants used excessive force against Plaintiff in violation of Plaintiff's Eighth Amendment rights while he was incarcerated at Alexander on March 27, 2015.

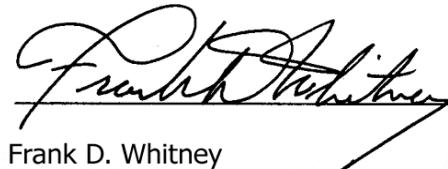
On January 5, 2018, the US. Marshal returned summons forms for Defendants FNU Blanton and FNU Murray as unexecuted. (Doc. Nos. 9, 10). This Court recently enacted Local Rule 4.3, which sets forth a procedure to waive service of process for current and former employees of the North Carolina Department of Public Safety ("NCDPS") in actions filed by North Carolina State prisoners. Due to the difficulty the U.S. Marshal is experiencing in attempting service of process, the Court will order the Clerk to commence the procedure for waiver of service as set

forth in Local Rule 4.3 for the unserved Defendants FNU Blanton and FNU Murray, who are both alleged to have been involved in the excessive force incident on March 27, 2015. The Court further notes that a pending summary judgment motion filed by Defendants Nichols and Daves refers to officers Blanton and Murray. (Doc. No. 24). Therefore, the first and last names of FNU Blanton and FNU Murray should be easily identifiable by NCDPS. If NCDPS waives service for these individuals, they may certainly join in the pending summary judgment motion and file their own supporting affidavits.

IT IS THEREFORE ORDERED that:

1. The Clerk of Court shall commence the procedure for waiver of service as set forth in Local Rule 4.3 for Defendants FNU Blanton and FNU Murray, who are current or former employees of NCDPS.
2. The Clerk is respectfully instructed to mail a copy of this Order to the U.S. Marshal.

Signed: January 11, 2019



Frank D. Whitney
Chief United States District Judge

